

OCT 20 2006

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FACSIMILE COVER SHEET

Deliver to: YIGDALL, Michael J., USPTO

Art Group: _____ 2192

Facsimile No.: (571) 273-8300

Date: October 19, 2006

From: Mark C. Van Ness, Reg. No. 39,865

Our Docket No.: 42390P11705

Number of pages 17:including this sheet.

Application No.: 09/966,458

Filing Date: 9/28/2001

Docket Due Date(s): 10/19/2006 | 10/19/2006

Enclosed are the following documents:

- ☒ Amendment: After Final (14 pgs)
☐ Appeal Brief (pgs)
☐ Application: _____
(pgs) w/cover & abstract
☐ Assignment & Cover Sheet (pgs)
☐ Certificate of _____
☐ Continued Prosecution Application (CPA)
☐ Declaration & POA (pgs)
☐ Drawings: sheets, figures
☐ Extension of Time: _____
☒ Fee Transmittal (in duplicate)
☐ IDS & PTO/SB/08 (pgs)
☐ Other _____

☐ Issue Fee Transmittal
☐ Notice of Appeal
☐ Petition for: _____
☐ Request for Continued Examination (RCE)
☐ Reply Brief (pgs)
☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)
☐ Request to Rescind Previous Nonpublication Request
☐ Response to Notice of Missing Parts & Formalities Letter
☐ Response to Written Opinion (pgs)
☐ Terminal Disclaimer
☐ Transmittal of Publication Fee Due
☒ Transmittal Letter

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10/19/2006

Date

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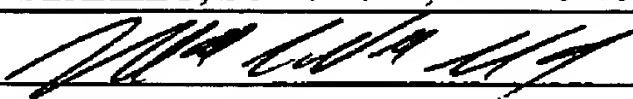
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OCT 20 2006

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application No.	09/966,458
	Filing Date	September 28, 2001
	First Named Inventor	Hong Wang
	Art Unit	2192
	Examiner Name	YIGDALL, Michael J.
Total Number of Pages in This Submission	Attorney Docket Number	42390P11705

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 19, 2006

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Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ndc) 10/12/2006.
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FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/966,458
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 28, 2001
		First Named Inventor	Hong Wang
		Examiner Name	YIGDALL, Michael J.
		Art Unit	2192
		Attorney Docket No.	42390P11705
TOTAL AMOUNT OF PAYMENT (\$)			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2) (\$)					

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865	Telephone	(503) 439-8778
Signature		Date	10/19/06		

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 12/15/2004.
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Our Docket No: 42390P11705

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wang, et al

Application No: 09/966,458

Filed: September 28, 2001

For: Configurable System Monitoring
For Dynamic Optimization of
Program Execution

Examiner: Yigdall, Michael J.

Art Unit: 2192

AMENDMENT AND RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

In response to the Final Office Action mailed July 19, 2006, the Applicant respectfully requests the Examiner to enter the following amendment and to consider the following remark.

CERTIFICATE OF TRANSMISSION

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October 19, 2006

Date of Deposit

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10/19/06

Date

Attorney Docket No.: 42390P11705
Application No.: 09/966,458

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